

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHIRLEY L. PHELPS-ROPER,)

Plaintiff,)

vs.)

Case No. 4:09CV1299 RWS

CITY OF PEVELY, MISSOURI,)

Defendant.)

MEMORANDUM AND ORDER

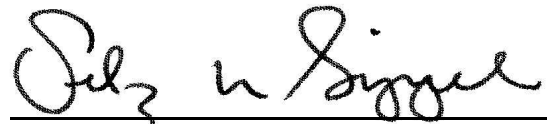
On December 16, 2009, I ordered defendant to show cause why sanctions, including entry of default judgment against it, should not issue for its refusal to comply with my November 3, 2009 Order Setting Rule 16 Conference. I also gave defendant an extension of time to file an opposition to plaintiff's second motion for partial summary judgment since its time for doing so expired long ago. Defendant has failed to respond to my Order to Show Cause, and its time for doing so has expired. Defendant has now refused to comply with two Orders of this Court and to oppose summary judgment.

Accordingly,

IT IS HEREBY ORDERED that there will be **a hearing on the Court's December 16, 2009 Memorandum and Order to Show Cause on January 14, 2010 at 11:00 a.m. in Courtroom 10-South. A representative of defendant will**

be required to appear at the hearing in addition to defense counsel. At this hearing, defendant will be required to Show Cause why this Court should not strike its answer and enter default judgment in favor of plaintiff as a sanction for defendant's repeated refusal to comply with the Orders of this Court. Failure to comply with this Order and appear for the hearing will result in the striking of defendant's answer and the entry of default judgment in favor of plaintiff and against defendant without further notice by this Court.

IT IS FURTHER ORDERED that defendant shall be relieved of its obligation under this Order and the December 16, 2009 Show Cause Order if defendant files a Memorandum by January 11, 2010 consenting to the entry of summary judgment in favor of plaintiff and against defendant.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 6th day of January, 2010.